

**AUCTIONEER BOARD
MADISON, WISCONSIN
JANUARY 24, 2000**

PRESENT: Ronald Bast, Robert Brandau, Richard Lust, Robert Massart, Mark Shain, Marie Skic-Loy

EXCUSED: Marie Kohlbeck

STAFF PRESENT: Cletus Hansen and Jan Neitzel

CALL TO ORDER

The meeting was called to order at 9:23 a.m. by Richard Lust, Chair, upon confirmation that the public notice was timely given. A quorum of 6 members was present.

AGENDA

Clete Hansen stated there was an added item in section 9a relating to reciprocity.

MOTION: Marie Skic-Loy moved, seconded by Ron Bast, to adopt the agenda as amended. Motion carried unanimously.

ELECTION OF OFFICERS

MOTION: Ron Bast moved, seconded by Robert Massart, to re-elect Richard Lust as Chair, Marie Skic-Loy as Vice-Chair, and Robert Brandau as Secretary. Motion carried unanimously.

MINUTES (10/25/99)

MOTION: Marie Skic-Loy moved, seconded by Robert Brandau, to approve the minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Marlene Cummings

Secretary Cummings was not available.

Cletus J. Hansen

- Roster

Ron Bast made several changes on the January 2000 roster.

- Meeting Dates

Clete Hansen stated that a February meeting may be needed, in which case the March meeting may not be necessary. There will not be a meeting in November.

- Regulatory Digest

The board reviewed a draft of the next issue of the regulatory Digest and noted that a few changes will still be made.

Richard Lust explained that any of the Board members can submit articles to be published in the Regulatory Digest.

LEGISLATIVE UPDATE

Advertising and Licensing (AB 437 & SB 224)

Clete Hansen reported the bills relating to abbreviation of registered Wisconsin auctioneer and advertising should be finalized and signed by the Governor soon.

Clete Hansen reported he has drafted a scope statement for the buyer's fee/surcharge rule change.

Robert Massart stated that Wisconsin is the only state that prohibits the use of "buyer's premium."

ADMINISTRATIVE RULES

Interpretation of s. 480.08(7)

The Board noted a Statement of Scope For Proposed Rule.

The Board discussed Clete Hansen's memo, dated December 10, 1999, relating to auctioneer rules.

The Board discussed Clete Hansen's memo, dated November 4, 1999, relating to auctioneer's temporary permit.

The Board discussed a proposed statutory change relating eliminating the temporary registration. The Board also discussed a possible rule change to decrease the amount of time a temporary permit can be held and requiring that the auctioneer exam must be taken within 30 days after issuance of the temporary permit.

MOTION: Marie Skic-Loy moved, seconded by Robert Brandau, to issue temporary permits for 30 days and to require that the auctioneer test be taken within those 30 days. Motion carried unanimously.

The Board also suggested that, before a temporary permit can be issued, applicants must show proof of submitting an application to take the exam.

ACTIVITIES THAT MAY BE PERFORMED BY AUCTIONEER DURING SUSPENSION OR REVOCATION

The Board received a copy of Don Rittel's June 29, 1995, letter relating to "runners" or "ringmen." Noted.

The Board received a copy of Don Rittel's letter, dated May 11, 1995, relating to finder's fee. Noted.

The Board received a copy of Don Rittel's memo, dated March 22, 1995, relating to trust accounts. Noted.

The Board discussed correspondence between Kim Grimmer and Don Rittel, relating to Dean K. George.

The Board received a copy of Don Rittel's letter dated November 18, 1999, explaining the types of activities that an auctioneer may not perform while his or her registration is suspended or revoked. Noted.

The Board received a copy of a letter from Bill Dusso, General Counsel, dated January 20, 2000, relating to activities that Mr. Dean George may not perform while his registration is suspended.

MOTION: Robert Massart moved, seconded by Mark Shain, to support Bill Dusso's January 20, 2000, letter which outlines the Board's policy relating to activities that Mr. Dean George may not perform while his auctioneer registration is suspended. Motion carried unanimously.

The Board asked the Division of Enforcement to include a statement in stipulations concerning the activities an auctioneer or auction company may not perform while under suspension or revocation.

MOTION: Ron Bast moved, seconded by Marie Skic-Loy, to have the Division of Enforcement investigate to determine whether Mr. Dean George conducted an auction on January 21, 2000, because this could be a violation of his license suspension. Motion carried unanimously.

MOTION: Ron Bast moved, seconded by Robert Massart, to request Mr. Dusso to send a letter to Mr. Dean George to provide additional guidelines concerning the auction-related activities he may perform during the suspension of his auctioneer registration. Motion carried unanimously.

Richard Lust requested Bill Dusso to initiate a rule on the acceptable work activities while a registration is suspended or revoked. Clete Hansen, Charles Howden, and Bill Dusso will meet to discuss the accepted activities.

The Board will discuss these issues at the next meeting.

MISCELLANEOUS INFORMATION/CORRESPONDENCE

Clete Hansen updated the Board on complaints concerning auctioneer continuing education.

The Board received a copy of the December 20, 1999, Internet article, entitled "Auctioneer allowed to conduct pig sale." Noted.

The Board received a copy of the December 11, 1999, Wisconsin State Journal article, entitled "Suspended auctioneer seeks a lighter sentence." Noted.

The Board received a copy of the newspaper article, entitled “Auctioneers: licenses yanked.”
Noted.

The Board discussed the proposed reciprocity agreement with Illinois.

NEW BUSINESS

None.

RECESS TO CLOSED SESSION

MOTION: Marie Skic-Loy moved, seconded by Ron Bast, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, to discuss the case status report, case closings, deliberations on stipulations that may be signed after printing of the agenda, orders for costs and disciplinary proceedings. Motion carried unanimously by a roll call vote: Robert Massart- yes; Mark Shain-yes; Marie Skic-Loy-yes; Ronald Bast-yes; Robert Brandau-yes: and Richard Lust-yes.

Open Session recessed at 11:45 a.m.

The Board deliberated on a case closing, a stipulation, and a cost assessment.

ADJOURN CLOSED SESSION

MOTION: Robert Brandau moved, seconded by Robert Massart, to adjourn the Closed Session to reconvene in Open Session as publicly announced. Motion carried unanimously.

Closed Session adjourned at 12:39 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Marie Skic-Loy moved, seconded by Robert Brandau, to close the following case presented by the Division of Enforcement. Motion carried unanimously.

99 AUC 025

P2

MONITORING ISSUES

None.

COST ASSESSMENT

Paul George, Dean George and George Auctioneer Service

Richard Lust did not participate in the discussion or the voting.

The Board discussed the Affidavit of Costs, Paul George's objections, Dean George's objections, and Charles Howden's letter.

MOTION: Ron Bast moved, seconded by Robert Massart, to change the total costs originally presented, so that there is a cost reduction of \$1 for each page of the transcript costs billed by Textnet. . Motion carried.

MOTION: Robert Massart moved, seconded by Marie Skic-Loy, to authorize Clete Hansen to sign the Order on behalf of the Board. Motion carried unanimously.

ADJOURNMENT

MOTION: Robert Brandau moved, seconded by Marie Skic-Loy, to adjourn the meeting at 12:46 p.m. Motion carried unanimously.